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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.311 OF 2022

SANTOSH BABU TUBKI AND ANR ... PETITIONERS

Versus

RAGHOBA SAWANT (DEC.) AND 5 ORS ... RESPONDENTS

Mr. S. D. Lotlikar, Senior Advocate with Ms. S. Kenny,
Advocate for the Petitioners.

Mr. D. Vernekar, Advocate for Respondent No.1.5.

CORAM:- B. P. COLABAWALLA, J.

DATED :- 9th February, 2023

P.C.

1. The above Writ Petition is filed seeking to challenge the order dated 25th April 2022 under which the application filed by Defendant Nos.1 and 2 for amendment of the Written Statement was rejected.

2. At this stage, I am not inclined to entertain the above Writ Petition under Article 227 of the Constitution of India. Whatever contentions are raised in the present petition can always be canvassed by the Petitioners herein in an appeal filed by them against the judgment and decree passed by the Trial Court, if adverse to them under Section 105 of the Code of Civil

Procedure, 1908.

3. This being the position, the above Writ Petition is dismissed and it is clarified that if the judgment and decree passed by the Trial Court is against the Petitioners herein, they shall be free to agitate the issues raised in the present Writ Petition in the Appeal filed from the said judgment and decree.

4. This order will be digitally signed by the Private Secretary/Personal Assistant of this Court. All concerned will act on the production by fax or email of a digitally signed copy of this order.

B. P. COLABAWALLA, J.

VAIGANKAR
ESHA SAINATH

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VAIGANKAR ESHA SAINATH
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